

Appl. No.: 09/745,289
Amdt. dated 07/14/2006
Reply to Office Action of November 17, 2005

REMARKS/ARGUMENTS

This amendment is submitted along with a request for a three month extension, a Petition for Revival and appropriate fees in reply to the Office Action dated November 17, 2005 and the Notice of Abandonment dated May 17, 2006. Claims 1-14 and 16-53 currently stand rejected and are the only claims pending in the present application. Independent claims 1, 17 and 37-39 have been amended to more particularly distinguish the claimed invention from the cited references. No new matter has been added by the amendment. Claims 3, 4 and 19 have been canceled, without prejudice.

The present application received the Notice of Abandonment for failure to respond to the Office Action of November 17, 2005. However, Applicants respectfully submit that the delay in responding to the Office Action was unavoidable due to the unexpected death of Applicant's agent listed at the correspondence address provided in connection with the present application. Accordingly, Applicants respectfully request revival of the present application in accordance with the Petition for Revival provided herewith.

In light of the amendment and the remarks presented below, Applicants respectfully request reconsideration and allowance of all now-pending claims of the present application.

Claim Rejections - 35 USC §102

Claims 1-25 and 30-53 stand rejected under 35 U.S.C. §102(e) as being anticipated by Ozzie et al. (U.S. Patent No. 6,941,510, hereinafter "Ozzie"). Claims 3, 4 and 19 have been canceled and claim 15 was previously canceled, without prejudice. Accordingly, the rejections of claims 3, 4, 15 and 19 are moot. With respect to independent claims 13, 14, 21 and 50, Applicants respectfully traverse.

Independent claim 13 recites, *inter alia*, assembling subdocuments from segments conforming to an algorithm that tends to **balance the respective sizes of the subdocuments**. In other words, as recited, for example, in independent claim 14, the subdocuments are of approximately the same size.

Ozzie is directed to a method for efficient management of XML documents. However, Ozzie fails to teach or suggest that subdocuments are assembled to be of approximately the same

size or of balanced sizes as claimed in the claimed invention. Applicants would note that the Office Action cites several locations that are purported to disclose the recited features above. However, Applicants respectfully submit that neither the cited passages nor all of Ozzie teach or suggest the recited features of the claimed invention. Specifically, although col. 3, lines 30-36 of Ozzie is cited as disclosing such feature in connection with the rejection of claim 4, the cited passage is only directed to manipulating document parts with a consistent interface and to provide features not available in conventional XML documents. As such, the cited passage fails to teach or suggest that subdocuments are assembled to be of approximately the same size or of balanced sizes as claimed in the claimed invention. The Office Action also cites col. 8, lines 5-15 of Ozzie as disclosing the recited feature above in connection with the rejection of independent claim 13. However, the cited passage refers to attribute indexes and referencing element objects into order to arrange the element objects into a hierarchy. There is no teaching or suggestion in the cited passage that subdocuments are assembled to be of approximately the same size or of balanced sizes as claimed in the claimed invention. With respect to the rejection of independent claim 14, col. 44, lines 51-60 of Ozzie is cited as disclosing the above recited feature. However, the cited passage refers to a mapping attribute that fails to teach or suggest that subdocuments are assembled to be of approximately the same size or of balanced sizes as claimed in the claimed invention. In rejecting independent claim 21, the Office Action cites col. 9, lines 13-20 of Ozzie as disclosing the above recited feature. However, in this cited passage as well, there is no teaching or suggestion that subdocuments are assembled to be of approximately the same size or of balanced sizes as claimed in the claimed invention. In fact, all of Ozzie fails to teach or suggest that subdocuments are assembled to be of approximately the same size or of balanced sizes as claimed in the claimed invention. Thus, independent claims 13 and 14 are patentably distinct in view of Ozzie.

Independent claim 1 has been amended to recite similar subject matter to that of independent claim 13 at least with respect to assembling subdocuments from segments conforming to an algorithm that tends to **balance the respective sizes of the subdocuments**. Independent claims 17, 21, 37-39 and 50 either already recite or have been amended to recite similar subject matter to that of independent claim 14 with respect to the subdocuments being of

approximately the same size. Accordingly, all of the independent claims of the present application are patentable over Ozzie for at least the same reasons given above with respect to independent claims 13 and 14. Claims 2, 5-12, 16, 18, 20, 22-25, 30-36, 40-49 and 51-53 depend either directly or indirectly from corresponding ones of independent claims 1, 13, 14, 17, 21, 37-39 and 50 and thus include all the recitations of their corresponding independent claims. Therefore, dependent claims 2, 5-12, 16, 18, 20, 22-25, 30-36, 40-49 and 51-53 are patentable for at least the same reasons given above for independent claims 1, 13, 14, 17, 21, 37-39 and 50.

Accordingly, Applicants respectfully submit that the rejections of claims 1, 2, 5-14, 16-18, 20-25 and 30-53 are overcome.

Claim Rejections - 35 USC §103

Claims 26-29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ozzie in view of Shklar et al. (U.S. Patent No. 6,253,239, hereinafter "Shklar").

Independent claim 26 recites, *inter alia*, that the subdocuments are of approximately the same size. As discussed above with reference to independent claim 14, Ozzie fails to teach or suggest the recited feature above. Shklar similarly fails to teach or suggest that the subdocuments are of approximately the same size as claimed in independent claim 26 and is not cited as such.

Since both Ozzie and Shklar fail to teach or suggest that the subdocuments are of approximately the same size, any combination of the cited references also fails to teach or suggest the above recited feature. Accordingly independent claim 26 is patentable over the cited references taken either individually or in combination. Claims 27-29 depend either directly or indirectly from independent claim 26 and thus include all the recitations of independent claim 26. Therefore, dependent claims 27-29 are patentable for at least those reasons given above for independent claims 26.

Accordingly, Applicants respectfully submit that the rejections of claims 26-29 are overcome.

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CONCLUSION

In view of the amendments to the claims and the remarks presented above, Applicants respectfully submit that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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